

OGC Has Reviewed

65-2914

Chief, WH

26 February 1954

Office of General Counsel 25X1A9a

Shipment of Automobile - [REDACTED]

REFERENCE : (a) Travel Order [REDACTED] 25X1A
(b) Your memorandum of 11 January 1954

25X1A6a

1. In reference (b) our opinion is requested as to the authority for reimbursement of the subject for the cost of transportation of his private vehicle from [REDACTED] Paragraphs 5 and 6 of your memorandum contain the factual basis for this opinion. To summarize these facts, the automobile was required at the new station for operational purposes, [REDACTED] It was to the advantage of the Government that subject utilize his personal vehicle for this purpose.

2. Ordinarily the transportation of private vehicles to stations overseas is pursuant to the authority contained in Public Law 100 (81st Congress) Section 5(a)(1)(C). This section is not, however, applicable to the "continental United States, its territories, and possessions". This section is, however, authority for shipment of personal vehicles, without regard to operational necessity, to all stations not within the United States, its territories and possessions.

3. When dealing with territories and possessions, cost of transportation can only be reimbursed in cases where there is a pressing operational necessity for the use of the vehicle. This is an operational determination to be made by the authorized certifying officer in each instance. Since the authority for such payments is supplied by Section 10(a) of Public Law 100 (81st Congress) and Confidential Funds Regulation 7.0 adopted pursuant to this section, the authorization is the exercise of a great public trust. Because of this public trust the certifying officer should weigh his decisions carefully and support it by a recitation of the facts as you have done in paragraphs 5 and 6 of reference (b).

4. Within the continental United States, even the existence of an operational necessity is not ordinarily sufficient to authorize the reimbursement for rail shipment, because it is the policy of this Agency to conform to standard Government procedures wherever feasible. In such cases, it is generally possible for the employee to drive his automobile from one post of duty to another, and the intended operational usage effects no need to deviate from standard practices. Payment in the instant case is authorized.

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OGC/RCK:afb

Distribution:

Orig - Addressee 1 - subject ✓ 1 - vital
1 - chrono 1 - legal